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3
4 IN THE UNITED STATES DISTRICT COURT

5
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7
8 No C VRW

9 Plaintiff,

10 v

11
12 ORDER SETTING CASE
13 MANAGEMENT CONFERENCE

14 Defendant.

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16 Pursuant to FRCP 16 and Civil LR 16-2, IT IS ORDERED that a Case
17 Management Conference will be called in this case before the undersigned Thursday,
18 _____ at 3:30 p.m. in Courtroom 6, 17th floor, at 450 Golden Gate
19 Avenue, San Francisco, California.

20 IT IS FURTHER ORDERED :

21 1. Plaintiff is directed to serve, in accordance with the provisions of FRCP 4
22 and 5, copies of this order at once on all parties to this action, and on any parties
23 subsequently joined. Following service, plaintiff shall file an appropriate certificate of
24 service with the court.

25 2. Failure to serve the summons, complaint and this order on all parties
26 pursuant to FRCP 4 and 5 shall be presumptive evidence of lack of prosecution and subject
27 the complaint to dismissal under FRCP 41(b). Except in the unusual case, the court expects
28 that by the time of conference, the answer or other responsive pleading shall have already

1 been served and filed. In the event a party files a motion to dismiss pursuant to FRCP 12,
2 the court will vacate the date of the Case Management Conference and will re-set it after
3 ruling on the motion to dismiss. The court discourages the parties from extending time for
4 pleading or seeking extensions of time beyond those provided in the Federal Rules.

5 3. Before appearing at the conference, the parties or their counsel, or both,
6 shall meet and confer about the substance of the action and the most expeditious means of
7 resolving this litigation. To prepare for the conference, the parties shall review and comply
8 in all respects with the requirements of Civil L R 16-9.

9 4. At the initial case management conference, the parties or at least one
10 attorney of record for each party must appear in person. See FRCP 26(f); Civ LR 16-10(a).
11 The case management conference shall be conducted informally and not reported unless
12 one or more parties is not represented by counsel. Failure of any party or counsel therefor
13 to attend, prepare for and participate in good faith in the conference shall be grounds for
14 appropriate sanctions. FRCP 16(f).

15 5. No continuance of the conference will be granted except by order of the
16 court upon application of a party. The application shall be made seven days before the date
17 of the conference and supported by a declaration showing good cause. In no event shall any
18 party request that the conference be scheduled more than 60 days after filing of the answer
19 by any party.

20 6. The parties are directed to comply with Civil L R 37-1(b) for presentation of
21 a disclosure or discovery dispute not resolved by the conference required by Civil L R 37-
22 1(a).

23 **IT IS SO ORDERED.**

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VAUGHN R WALKER
26 UNITED STATES DISTRICT CHIEF JUDGE